TRADITIONAL
CONSTITUTION & BY-LAWS
Of the
Native Village of Kalskag, Alaska 99607

PREAMBLE

We, Alaska Natives having a common bond of residence in the vicinity of Kalskag. Alaska located on the Kuskokwim River, establish this Constitution in order to promote our welfare, implement our inherent right of self-government and to the economic enterprise, to the well-being of our community.

ARTICLE I – NAME

The name of this organization shall be Native Village of Kalskag

ARTICLE II – TERRIOTRY AND JURISDICTION

The territory and jurisdiction of the Native Village of Kalskag shall extend to all traditional boundaries, whether it to be fish camps, hunting sites, berry picking sites, and all lands selected by or for the original Kalskag Corporation, established under the Alaska Native Land Claims Settlement Act of 1971 to the fullest extent permitted by the federal and tribal law.

The jurisdiction of the village shall include authority over members and their property, unless prohibited by federal law.

ARTICLE III – MEMBERSHIP

Section 1. Membership requirements- The Tribal Council shall adopt an ordinance establishing the rules and procedures for enrollment to the Native Village of Kalskag consistent with the provisions of this Constitution. Any person rejected for membership shall have the right to appeal in accordance with the procedures set forth in the Enrollment Ordinance.

Base Roll – Those names appearing on the enrollment date of the Kalskag Corporation, established under the Alaska Native Claims Settlement Act of 1971, shall constitute the base roll of members. The Tribal Council shall certify the Base Roll within one (1) year of the adoption of this Constitution.

Descendants – The direct lineal descendants and the collateral descendants of the base enrollers are eligible for membership subject to the provisions of this constitution and any laws enacted pursuant to this constitution.

Current Membership Roll – A current tribal membership roll shall be presented to the tribal council for certification sixty (60) days prior to each annual election.

Section 2. Adoption.

A. The Council may adopt any person into the Tribe as long as the person has Alaska Native Blood. This member shall have the same rights and privileges as the other tribal members. The direct descendants of such adopted member will relinquish their membership in another tribe. He/she shall be eligible for membership, subject to the provisions of this constitution and any laws enacted pursuant to this constitution.
B. The council shall adopt any non – native as an "honorary member" of the Native Village of Kalskag. This honorary member may participate in meetings and tribal gatherings but shall not be eligible to hold office and shall not be entitled to vote.
C. To be eligible for elective office, all candidates must be a resident of the Native Village of Kalskag for one (1) year immediately preceding the election.

ARTICLE IV – RIGHTS OF MEMBERS

All members of the village shall enjoy equal rights of life, liberty, and the pursuit of happiness, consistent with the customs and laws of the village. In exercising its powers of self – government, the village shall not deny to any person within its jurisdiction, the freedom of speech, press or religion, or the right to assemble peacefully, nor shall the village deny to any person the equal protection of the village laws or deprive any person of liberty or property without due process of law.

ARTICLE V – GOVERNMENT BODY

Section 1. Name – The governing body of the Native Village of Kalskag shall be the Traditional Council, hereinafter referred to as the Council.

Section 2. Number on Council – The Council shall consist of Five (5) members.

Section 3. Officers – The Council shall include a President, Vice-President, Secretary and Treasurer, and one (1) member. The Council shall elect from among its own members, the officers to serve as President, Vice-President, Secretary and Treasurer at the first meeting following the village election.

Section 4. Terms – The council member's terms shall be staggered. Seats B and D two (2) year term, Seats A, C, and E two (2) year term, Seats B and D expires on even years and Seats A, C and E expires on odd years.

Section 5. Assumption of Office – Newly elected council members shall take office immediately following the election, provided that the election results have been certified by the Election Board. In any event, the incumbents shall continue in office until their successors are duly elected and seated.

Section 6. Quorum – A quorum of the council shall consist of three (3) members of the council.

Section 7. Eligibility – A candidate must not be employed by the Tribe to be eligible to run for any available seat.

ARTICLE VI – POWERS

Section 1. Inherent Powers – Except as specifically limited by this Constitution, the powers of the village shall include all inherent powers of a federally recognized tribal government, including but not limited to those specified in this Article, which does not violate federal or tribal law.

The Council may authorize an officer or a council member to act in specific circumstances set by the council from time to time.

Section 2. Internal Council Procedures – Consistent with the provisions in this constitution, the council may enact rules to govern its internal procedures and organization and to further define the duties of the village officers by ordinance or resolution.

Section 3. Other Council Powers – In addition to all powers vested in the village or the council by existing law and this constitution, the village, acting through the council shall have the following powers:

(1) To negotiate the contract with State, Federal or Private Agencies and others on behalf of the Native Village of Kalskag.
(2) Except as limited by this Constitution, to manage, lease, exchange, acquire or otherwise deal with the village or other property and to prevent the encumbrance, alienation, or loss of tribal property or tribal assets without the consent of the village membership.
(3) To exercise the Power of Consent under 14 (f) of the Alaska Native Claims Settlement Act of 1971 to the extent Permitted by applicable law.
(4) To protect and preserve the village property, members rights in property, including tribal property, and the wildlife and natural resources within those areas under the jurisdiction of the village, to the extent permitted by applicable law.
(5) To charter enterprises, corporation, and associations, and to join and/or charter housing authorities.
(6) To administer any funds and village assets consistent with this constitution within the control of the village.
(7) To safeguard and promote the health, peace and safety of the members of the village.
(8) To enact and enforce ordinances governing the conduct of members of the Native Village of Kalskag and provide for the maintenance of law and order and the administration of justice by the establishing of a tribal court and defining its powers and duties.
(9) To enact and enforce regulations governing the domestic relations of members, election ordinances and tribal court ordinances.
(10) To recommend and provide for the appointment of guardians for orphans, minor members and incompetents.

(11) To levy and collect taxes, fees and assessments to the extent permitted by applicable law.
(12) To encourage, guard, foster, and protect tribal traditions, language and culture of the Native Village of Kalskag including the arts crafts, religion and customs.
(13) To enact ordinances and regulations necessary to give effect to any provisions of the constitution and to exercise any power not prohibited by federal law.
(14) To employ legal counsel, subject to the approval of the Secretary of the Interior pursuant to 25 U.S.C 81 so long as such approval is required by federal law.
(15) To manage tribal economic and social development activities.

Section 4. Waivers of Sovereign Immunity – Nothing in this constitution shall be deemed or constructed to be a waiver of the sovereign immunity of the Native Village of Kalskag which may be only waived by express resolution of the Village Council, gather receiving an affirmation vote of the majority of the entire membership, and only the extent specified in such resolution and permitted by this Constitution and federal law. Waivers of sovereign immunity shall not be general but must be specific and limited as to duration, grantee, transaction, property or funds, if any, of the Tribe.
Waiver of the sovereign immunity of the Village shall not extend to any property or assets of the village other than the property or assets specifically pledged assigned or otherwise subject to the levy in the waiver resolution.

Section 5. Retained Powers – The retained powers of the Native Village of Kalskag, not stated in this Constitution shall not be lost by reason of their omission, but may be exercised by vote of membership through initiative or referendum.

Section 6. Further Powers – The Council of the Native Village of Kalskag may exercise such further powers as may in the future be delegated to it by the federal government either through order of the Secretary of the Interior or by Congress or applicable law.

The power to grant further powers and rights to the Council rests with the membership of the Native Village of Kalskag.

ARTICLE VII – ELECTIONS

Section 1. Voter Qualifications – Except as otherwise provided in Article III, Section 2 (b), any member of the Native Village of Kalskag who has reached the age of eighteen (18) or older prior to the election shall be eligible to vote in all tribal elections and meetings.

Section 2. Nominations – The month, time, and place and manner of nominations shall be specified in the Election Ordinance adopted by the council and approved by the membership pursuant to this Constitution.

Section 3. Qualifications of Candidates – No member may be a candidate for any elective office unless he/she has the qualifications to be an eligible voter.

Section 4. Convicted Felons – No member who had been convicted of a felony may be a candidate for any elective office.

Section 5. Secret Balloting – All elections of officials and on issues before the voters by initiative or referendum shall be by secret ballot.

Section 6. Absentee Ballot – Any member who has to be away temporarily or is incapacitated due to illness or physical problems may request to vote by absentee ballot.

Section 7. Election Ordinances – The Council shall have the power to adopt election ordinances, subject to the approval of the membership, to address the specifics of election rules and procedures.

Section 8. Election Board – Prior to any tribal election, the council shall appoint responsible persons to supervise, administer, and conduct the election. The council shall establish, by appointment, a new election committee prior to each election. Members of the election board shall not be members of the council.

ARTICLE VIII – VACANCIES

Section 1. Vacancies – Vacant council seats, whether vacated by removal, death, resignation, recall or forfeiture, shall be filled by appointment by the remaining member (s) of the Council at its next meeting. Such replacement (s) shall serve for the remainder of the predecessor's term.

ARTICLE IX – REMOVAL, RECALL, AND FORFEITURE

Section 1. Removal – Any council member and other official found guilty by the council of behavior involving gross misconduct or neglect of duty shall be removed from office if at least three (3) members of the council vote in favor of such removal. Voting must be by secret ballot. The council member accused shall have no right to cast a ballot. Before any vote for removal is taken, the council member subject to such removal shall be given a written statement of the charges against him/her at least ten (10) days before the meeting of the council at which he/she is to appear and he/she shall be given an opportunity to answer any and all charges at the designed council meeting. If the person subject to removal fails to appear before the council, the council shall be final. No member of the council shall preside over the meeting at which his/her removal is being considered.

Section 2. Recall – Village members shall have the power to recall any of the council members. The recall process shall be initiated by filing with the council a petition asking for such recall, signed by at least thirty (30) percent of the eligible voters and setting forth the reasons for the petition. Within thirty (30) days after the receipt of a valid recall petition, the council shall call a special meeting to consider the petition is to be recalled. The election shall be conducted pursuant to the election ordinance. Once an individual has been subjected to recall proceeding, he shall to again be subject to such action during the balance of his term of office for the same reason specified in the original petition.

Section 3. Forfeiture – If any member if the council is found guilty of a felony in any federal or state court, resigned or is absent from three (3) consecutive meetings without being excused by the council, he/she shall automatically forfeit his/her office.

ARTICLE X – MEMBERSHIP PARTICIPATION

Section 1. Initiative – The eligible voters of the village shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least thirty present (30%) of the eligible voters, the council shall call an election, to be conducted by the Election Board, no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 2. Referendum – The council by an affirmative vote of at least three (3) of its members shall call an election to be conducted by the Election Board, within thirty (30) days of such council decision for the purpose of deciding by secret ballot issues or questions that are within the authority of the council. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 3. Decisions – The decisions of the voters in initiative, referendum and recall elections shall be binding on the council and the village and shall remain in full force until amended or rescinded by subsequent action to the voters or expires by its own term.

ARTICLE XI – DUTIES OF OFFICERS

Section 1. President – The President shall preside at all meetings and exercise general supervision over the affairs and activities of the organization. The President may vote on all issues before the council except as otherwise provided herein.

Section 2. Vice-President – The Vice-President shall, in the absence of the President, assume the duties and exercise the authority of the Presidential Office.

Section 3. Secretary – The Secretary shall record and keep the minutes of all meetings. The Secretary shall handle all incoming and outgoing correspondence pertinent to all activities and will report to the President all would require immediate action. The Secretary shall give an activity report at each regularly scheduled meeting.

Section 4. Treasurer – The Treasurer shall carry out the financial directions of the council, receive and safeguard monies of the council and keep an accurate account of receipts and disbursements. The Treasurer shall deposit monies received in the designated banking institution (s) and shall countersign checks with the designed presiding officer (s). The Treasurer shall give an activity report at all meetings reflecting all receipts and expenditures and the amount and nature of all council funds.

Section 5. Secretary/Treasurer – When authorized by the Council, the offices of the Secretary and Treasurer are the property of the Native Village of Kalskag and must turn over to the council immediately upon vacating their seat with the council.

ARTICLE XII – MEETINGS

Section 1. Regular and Special Meetings – Regular meetings of the council shall be held monthly. Special meetings of the council may be called by the President of upon request of at least three (3) members of the council or upon a petition signed by twenty percent (20%) of the qualified voters. The time, place and date of regular and special meetings shall be designed by the council. The council shall have the power to transact business at a special meeting as in a regular meeting, provided that a quorum is present.

Section 2. Annual Meetings – Annual meetings of the general membership of the Native Village of Kalskag shall be held at meetings and shall be decided at a council meeting where at least held once annually. The month, date, time and place of such meeting shall be decided at a council meeting where at least a quorum is present.

Section 3. All meetings of the membership must be publicized by the council at least fifteen (15) days in advance.

Section 4. Quorum – A quorum of the general membership at annual meetings and special meetings shall consist of thirty percent (30%) of the eligible voters. No business shall be conducted unless a quorum is present.

Section 5. Parliamentary Procedures – All meetings shall be conducted according to Robert's Rule of Order.

Section 6. Open Meetings – All meetings of the council shall be open to the tribal members; provided, that the council my recess at its discretion to discuss any matter in a closed or executive session, if the general subject matter to be discussed is expressed in the motion calling for such a session and no final or official action is taken thereon in the closed or executive session.

Section 7. Decisions – Final decisions of the council on matters of permanent interest shall be by ordinance. Final decisions of the council on matters of temporary interest may be by resolution.

Section 8. Conflict of Interest – No council member may vote on any matter pertaining specially to him/her, or an immediate family member has a significant financial interest. Nothing hereon bars a council member or a member of his/her immediate family from employment by the tribe. Immediate family members are defined as father, mother, spouse, son or daughter.

ARTICLE XIII – SAVING CLAUSE

Section 1. Existing laws Remain in Effect – All previous actions, ordinances and resolutions undertake or passed by the existing tribal council shall remain in effect following the adoption of this constitution.

ARTICLE XIV – SEVERABILITY

If any provision of this constitution shall, in the future, be declared invalid by a court of competent jurisdiction, the invalid provision shall be served and the remaining provisions shall continue in full force and effect. See Article XIII, Saving Clause.

ARTICLE – AMENDMENTS

This constitution may be amended by a majority vote of the qualified voters of the Native Village of Kalskag voting in an election called for that purpose, or at the next annual meeting, provided that at least thirty percent (30%) of those entitled to vote shall vote in such an election.

ARTICLE XVI – ADOPTION

Effective Date – This constitution may be adopted by a majority vote of the qualified voters of the Native Village of Kalskag voting at an election called for that specific propose and shall be effective from the date of approval by the membership.

Transition – The existing tribal council members who have been elected prior to the adoption if this constitution shall remain in office until the first election under this constitution. Staggered terms of office for council officials required by this constitution will be established in the first election of officers.

I Martha Evan, certify that:

(1) I am the duly elected Traditional Council Secretary of the Kalskag Traditional Council.
(2) The foregoing constitution was submitted for adoption to the qualified voters of the Native Village of Kalskag and was adopted by a vote of 33 for and 6 against at an election in which at least a quorum was present and voted on this 17th day of July 2012.

CERTIFIED BY:

Traditional Council Secretary

ATTEST:

President of the Council

Vice President of the Council

Council Member

Council Member